

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC., et al.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:18CV530-MSD-LRL
)	
NORFOLK SOUTHERN RAILWAY)	
COMPANY, et al.,)	
)	
Defendants.)	
_____)	

MOTION TO DISMISS INDIVIDUAL DEFENDANTS
JERRY HALL, THOMAS HURLBUT, AND PHILIP MERRILLI

Defendants Jerry Hall, Thomas Hurlbut, and Philip Merilli (the “Individual Defendants”), by counsel, pursuant to Federal Rule of Civil Procedure 12(b)(6), file this Motion to Dismiss the claims asserted against them by Plaintiff CSX Transportation, Inc. derivatively on behalf of the Norfolk Portsmouth Beltline Railroad Company and its shareholders. Alternatively, the Individual Defendants respectfully request that the Court exercise its discretion under 28 U.S.C. § 1367(c) to decline to exercise supplemental jurisdiction over the claim against them. The reasons for this Motion are more fully explained in the Memorandum in Support of Motion to Dismiss Individual Defendants Jerry Hall, Thomas Hurlbut, and Philip Merilli, filed contemporaneously herewith.

Respectfully submitted,

JERRY HALL, THOMAS HURLBUT,
And PHILIP MERRILLI

By: /s/ M. F. Connell Mullins, Jr.
Hugh M. Fain, III (VSB #26494)
Email: hfain@spottsfain.com
M. F. Connell Mullins, Jr. (VSB # 47213)
Email: cmullins@spottsfain.com

John M. Erbach (VSB #76695)
Email: jerbach@spottsfain.com
Spotts Fain PC
411 East Franklin Street, Suite 600
Richmond, Virginia 23219
(804) 697-2000 (Telephone)
(804) 697-2100 (Facsimile)
*Counsel for Defendants Jerry Hall, Thomas
Hurlbut, and Philip Merrill*

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of November, 2018 I will electronically file the foregoing Motion to Dismiss Individual Defendants with the Clerk of Court using CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

By: /s/ M. F. Connell Mullins, Jr.
M. F. Connell Mullins, Jr. (VSB # 47213)
Email: cmullins@spottsfain.com
Spotts Fain PC
411 East Franklin Street, Suite 600
Richmond, Virginia 23219
(804) 697-2000 (Telephone)
(804) 697-2100 (Facsimile)
*Counsel for Defendants Jerry Hall, Thomas
Hurlbut, and Philip Merrill*